



FH  
[REDACTED]

**STATE OF WISCONSIN  
Division of Hearings and Appeals**

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

FWP/168153

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**PRELIMINARY RECITALS**

Pursuant to a petition filed August 21, 2015, under Wis. Admin. Code § HA 3.03(4), to review a decision by the Barron County Department of Human Services in regard to FoodShare benefits (FS), a hearing was held on September 23, 2015, at Barron, Wisconsin.

The issue for determination is whether the department correctly seeks to end the petitioner's FoodShare for failing without good cause to comply with the program's work requirements.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

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Respondent:

Department of Health Services  
1 West Wilson Street, Room 651  
Madison, Wisconsin 53703

By: [REDACTED]

Barron County Department of Human Services  
Courthouse Room 338  
330 E Lasalle Ave  
Barron, WI 54812

**ADMINISTRATIVE LAW JUDGE:**

Michael D. O'Brien  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. The petitioner (CARES # [REDACTED]) is a resident of Barron County.
2. The petitioner submitted his FoodShare renewal on April 1, 2015, and completed his interview over the telephone on April 6, 2015. He reported that he was not working and had no income.

3. The petitioner called the Great Rivers Call Center on April 16, 2015, to reschedule his FSET appointment originally scheduled for the next day. He was told that the new appointment would be on May 7, 2015, at 1:00 p.m. at the [REDACTED]. He called on May 7, 2015, to reschedule and was told his appointment would be at the library on May 12, 2015, at 1:00 p.m. His case manager called him that day to confirm the appointment and he said he could not make it. The appointment was rescheduled for the library on May 28, 2015, at 2:00 p.m. He did not show up for the meeting. The case manager left messages for him on June 3, 18, and 19, 2015. He did not return the calls. The case manager called him again on June 29, 2015. He answered this call, and an appointment was set for the library on July 1, 2015, at 3:00 p.m., but he did not show up. The manager called him on July 1, 2015, to reschedule the appointment, but he did not respond until August 5, 2015. By then his case had already closed, and the worker could not reschedule the matter.
4. The FoodShare agency notified the petitioner on July 17, 2015, that it would end his FoodShare benefits on August 1, 2015, because he failed to comply with the program's work requirements.
5. The petitioner lives 0.6 miles from the [REDACTED], the place the agency scheduled its FSET meetings with him. (The Google Map internet address for this calculation was omitted to protect the petitioner's confidentiality.)

### DISCUSSION

Federal FoodShare law directs states to require recipients to work or participate in a Food Stamp Employment and Training Program (FSET) or a similar program. 7 CFR 273.7(a)(i). Wisconsin obtained a waiver, which had made the FoodShare program's work requirements voluntary since 2008. In 2014, the state again began making the work requirements mandatory. Wis. Stat. §49.79(10). Persons between 18 and 50 years old who are neither pregnant nor have children under 18 and who are mentally and physically able to work cannot receive FoodShare for more than three full months in any 36-month period unless they comply with the program's work requirements. 7 CFR § 273.24(b); Wis. Stat. § 49.79(1)(am) and (10)(a)2. To comply with these requirements, a person must work or participate in an authorized program at least 20 hours per week. 7 CFR § 273.24(a)(1). But a person does not have to meet these requirements if he has "good cause" not to. Federal regulations allow states discretion to determine what *good cause* is, but include the following requirement:

Good cause includes circumstances beyond the member's control, such as, but not limited to, illness, illness of another household member requiring the presence of the member, a household emergency, the unavailability of transportation, or the lack of adequate child care for children who have reached age six but are under age 12.

#### 7 CFR § 273.7(2)

The county agency ended the petitioner's FoodShare benefits on August 1, 2015, because he had received FoodShare for three months since his latest renewal without complying with FSET requirements. He contends that his mail incorrectly went to his brother's house and that he did not have adequate transportation to make the meetings. Whether he had trouble with his mail or not, the agency made plenty of attempts to schedule an appointment by telephone. Its case notes establish it tried for 2 ½ months to schedule an FSET meeting, but each time he either rescheduled it or failed to appear. He called the Great Rivers Call Center on April 16, 2015, to reschedule his FSET appointment originally scheduled for the next day. He was told that the new appointment would be on May 7, 2015, at 1:00 p.m. at the [REDACTED]. He called on May 7, 2015, to reschedule and was told his appointment would be at the library on May 12, 2015, at 1:00 p.m. His case manager called him that day to confirm the appointment and he said he could not make it. The appointment was rescheduled for the library on May 28, 2015, at 2:00 p.m. He did not show up for the meeting. The case manager left messages for him on June 3, 18, and 19, 2015. He

did not return the calls. The case manager called again on June 29, 2015. He answered this call, and an appointment was set for the library on July 1, 2015, at 3:00 p.m., but he did not show up. The manager called him on July 1, 2015, to reschedule the appointment, but he did not respond until August 5, 2015. By then his case had already closed, and the worker could not reschedule the matter. Perhaps he had trouble with the delivery of his mail, but with all the attempts his case manager made to schedule an appointment for him, his mail delivery was not why he never made an FSET meeting.

Nor is transportation a valid excuse. He contends that he does not have access to a car because his mother, with whom he lives, drives the only car in the household to work every day. But each FSET meeting was scheduled for the library. He protests, claiming that this is too far to walk, but Google Maps indicates that it is only 0.6 of a mile from his house. There is no medical record showing that he cannot walk this far.

Based upon his worker's many attempts to schedule an FSET meeting, his constant rescheduling and absence from those meetings, and the closeness of the meetings to his house, his failure to meet the FoodShare program's work requirements is not due to circumstances beyond his control. Therefore, he did not have good cause for failing to comply with those requirements. Because he had received FoodShare for three months since his last renewal without meeting the program's work requirements, the agency correctly ended those benefits on August 1, 2015.

### **CONCLUSIONS OF LAW**

The county agency correctly ended the petitioner's FoodShare benefits on August 1, 2015, because he had received benefits for three months without complying with the program's work requirements.

**THEREFORE, it is**

**ORDERED**

The petitioner's appeal is dismissed.

### **REQUEST FOR A REHEARING**

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

### **APPEAL TO COURT**

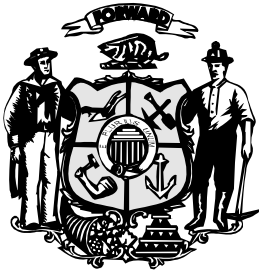
You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,  
Wisconsin, this 8th day of October, 2015

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\sMichael D. O'Brien  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

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The preceding decision was sent to the following parties on October 8, 2015.

Barron County Department of Human Services  
Division of Health Care Access and Accountability